UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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Plaintiff,		Case No. 24-cv-10074
v.		HON. MARK A. GOLDSMITH
DONALD UPSHAW et al.,		
Defendants.	/	

OPINION & ORDER

(1) ADOPTING THE RECOMMENDATION CONTAINED IN THE MAGISTRATE
JUDGE'S MAY 10, 2024 REPORT AND RECOMMENDATION (Dkt. 21), (2) DENYING
DEFENDANT REGINA CASTRO'S MOTION TO DISMISS (Dkt. 18) AS MOOT, AND
(3) DISMISSING PAGE'S STATE LAW DEFAMATION CLAIM AGAINST CASTRO
WITHOUT PREJUDICE

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge David R. Grand issued on May 10, 2024 (Dkt. 21). In the R&R, the magistrate judge recommends that the Court decline to exercise supplemental jurisdiction over Plaintiff Demarciano Page's state-law defamation claim against Defendant Regina Castro, dismiss Page's state-law defamation claim against Castro without prejudice, and deny Castro's motion to dismiss (Dkt. 18) as moot.

The parties have not filed objections to the R&R, and the time to do so has expired. <u>See</u> Fed. R. Civ. P. 72(b)(2). The failure to file a timely objection to an R&R constitutes a waiver of the right to further judicial review. <u>See Thomas v. Arn</u>, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a <u>de novo</u> or any other standard, when neither party objects to those findings."); <u>Smith v. Detroit Fed'n of Teachers</u>, 829 F.2d 1370, 1373-1374 (6th Cir. 1987)

(failure to file objection to R&R "waived subsequent review of the matter"); Cephas v. Nash,

328 F.3d 98, 108 (2d Cir. 2003) ("As a rule, a party's failure to object to any purported error or

omission in a magistrate judge's report waives further judicial review of the point."); Lardie v.

Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) ("As to the parts of the report and

recommendation to which no party has objected, the Court need not conduct a review by any

standard."). However, there is some authority that a district court is required to review the R&R

for clear error. See Fed. R. Civ. P. 72 Advisory Committee Note Subdivision (b) ("When no

timely objection is filed, the court need only satisfy itself that there is no clear error on the face

of the record in order to accept the recommendation."). Therefore, the Court has reviewed the

R&R for clear error. On the face of the record, the Court finds no clear error and accepts the

recommendation.

Accordingly, the Court denies Castro's motion to dismiss (Dkt. 18) as moot and

dismisses Page's state law claim against Castro without prejudice.

SO ORDERED.

Dated: December 18, 2024

Detroit, Michigan

s/Mark A. Goldsmith MARK A. GOLDSMITH

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 18, 2024.

Case Manager

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